

---

---

**Introduced by Senator Alarcon**

February 13, 2003

---

---

An act to amend Section 5307.1 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 228, as introduced, Alarcon. Workers' compensation: official medical fee schedule.

Existing law requires the Administrative Director of the Division of Workers' Compensation to adopt an official medical fee schedule, which shall establish reasonable maximum fees paid for medical services provided under the workers' compensation laws. Existing law requires the fee schedule for health care facilities to incorporate cost and service differentials for various types of facilities.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5307.1 of the Labor Code is amended  
2 to read:  
3 5307.1. (a) (1) The administrative director, after public  
4 hearings, shall adopt and revise, no less frequently than biennially,  
5 an official medical fee schedule which shall establish reasonable  
6 maximum fees paid for medical services provided pursuant to this  
7 division. No later than January 1, 1995, the administrative director  
8 shall have revised the schedule. By no later than January 1, 1995,

1 the schedule shall include services for health care facilities  
2 licensed pursuant to Section 1250 of the Health and Safety Code,  
3 and drugs and pharmacy services. The fee schedule for health care  
4 facilities shall ~~take into consideration~~ *incorporate* cost and service  
5 differentials for various types of facilities.

6 (2) The administrative director shall include services provided  
7 by physical therapists, physician assistants, and nurse practitioners  
8 in the official fee schedule adopted and revised pursuant to  
9 paragraph (1). Nothing in this paragraph shall affect the ability of  
10 physicians to continue to be reimbursed for their services in  
11 accordance with the official medical fee schedule adopted  
12 pursuant to paragraph (1) for the provision of services within their  
13 scope of practice.

14 (3) The administrative director shall consult with statewide  
15 professional organizations representing affected providers on the  
16 update of the official medical fee schedule.

17 (b) Nothing in this section shall prohibit a medical provider or  
18 a licensed health care facility from being paid by an employer or  
19 carrier fees in excess of those set forth on the official medical fee  
20 schedule, provided that the fee is:

21 (1) Reasonable.

22 (2) Accompanied by itemization and justified by an  
23 explanation of extraordinary circumstances related to the unusual  
24 nature of the medical services rendered.

25 In no event shall a physician charge in excess of his or her usual  
26 fee.

27 (c) In the event of a dispute between the physician and the  
28 employer or carrier concerning the medical fees charged, the  
29 physician may be allowed a reasonable fee for testimony, if a  
30 physician testifies pursuant to the employer's or carrier's  
31 subpoena, and the referee determines that the medical fee charged  
32 was reasonable.

33 (d) Except as provided in Section 4626, the official medical fee  
34 schedule shall not apply to medical-legal expenses as defined by  
35 Section 4620.

